

REMARKS

This Application has been carefully reviewed in light of the Final Action mailed October 31, 2005. In order to advance prosecution of the present Application, Claims 4, 8-12, 16, 18, 20, 23, and 24 have been amended and Claims 1 and 2 have been canceled without prejudice or disclaimer. Applicant respectfully requests reconsideration and favorable action in this Application.

Claims 1, 2, 4-7, 10-12, and 14-27 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 42-82 of copending U.S. Application Serial No. 09/658,873. Claims 1 and 2 have been canceled without prejudice or disclaimer. Claims 4, 12, 20, and 24 have been amended to include the allowable limitations of Claim 8, which is not part of this rejection. Therefore, Applicant respectfully submits that this rejection is now moot.

Claims 1, 20, and 24 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 1 has been canceled without prejudice or disclaimer. Claims 20 and 24 have been amended to address matters raised by the Examiner. Therefore, Applicant respectfully submits that Claims 20 and 24 are in accordance with 35 U.S.C. §112, second paragraph.

Claims 1, 2, 4-7, 10-12, and 14-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Jardin in view of Gidwani. Claims 1 and 2 have been canceled without prejudice or disclaimer. Applicant respectfully disagrees with this rejection and reserves the right to pursue the subject matter of Claim 1 in a continuation application in order that the remaining claims can proceed to issuance in accordance with the indicated allowability. Claims 4, 12, 20, and 24 have been amended to include the allowable limitations of Claim 8. Therefore, Applicant respectfully submits that Claims 4-7, 10-

12, and 14-27 are patentably distinct from the proposed Jardin - Gidwani combination.

Applicant notes with appreciation the allowability of Claims 8 and 9 if placed into independent form. The allowable limitations of Claim 8 have been placed into Claims 4, 12, 20, and 24. Claims 8 and 9 have been amended to depend from Claim 4. Therefore, Applicant respectfully submits that Claims 4-12 and 14-27 are in condition for allowance.

This Response to Examiner's Final Action is necessary to address the Examiner's characterization of the cited art in support of the claim rejections and to place the claims into allowable form. This Response to Examiner's Final Action could not have been presented earlier as the Examiner has only now provided the current characterization of the cited art in support of the claim rejections.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending claims.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,
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